

Court No. - 39

Case :- FIRST APPEAL No. - 408 of 2023

Appellant :- Smt. Vandana Jain

Respondent :- Kamlendra @ Buntty Kumar Jain

Counsel for Appellant :- Mahendra Kumar Singh Chauhan, Basu Dev, Prashant Kumar Singh, Santosh Kumar Shukla

Counsel for Respondent :- Mahesh Chandra Tiwari, Kiran Tiwari

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

Ref : Civil Misc. Withdrawal Application No. 03 of 2023.

1. Heard Sri Santosh Kumar Shukla, learned counsel for the appellant and Sri Mahesh Chandra Tiwari, learned counsel for the respondents.

2. Present appeal has been filed under Section 19 of the Family Courts Act, 1984 arising from judgement and order dated 06.02.2023 passed by learned Additional Principal Judge, Family Court No. 2, Agra in Matrimonial Suit No.677 of 2011 (Kamlendra @ Bunti Kumar Jain vs. Smt. Vandana Jain). By that order, the learned court below has dissolved the marriage between the parties.

3. During the pendency of the appeal proceeding, the parties have reached an outside Court settlement dated 29.09.2023, copy of which has been annexed to the withdrawal application no. 3 of 2023. Thereunder, Rs. 8,00,000/- are disclosed to have been deposited by respondent with the learned court below to be released in favour of the appellant.

4. Today, upon the matter being taken up, learned counsel for the

parties are in agreement with respect to the facts noted above.

5. Learned counsel for the respondent has no objection in the appeal being dismissed as withdrawn and further the amount of Rs. 8,00,000/- being released in favour of the appellant subject to criminal cases (pending against him), being withdrawn by the appellant.

6. The withdrawal application is allowed.

7. Accordingly, the appeal is **dismissed** as withdrawn. Let Rs.8,00,000/- be released in favour of the appellant subject to compliance of terms of the settlement.

Order on Appeal

8. Appeal is **dismissed** as withdrawn.

Order Date :- 24.11.2023

Manoj

(Shiv Shanker Prasad,J.)

(Saumitra Dayal Singh,J)